

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JANIE L. KINSEY and C.H. KINSEY,)
)
Plaintiffs,)
)
v.) CIVIL ACTION NO. 1:05CV636-WKW
)
C. LANCE GOULD, et al.,)
)
Defendants.)

ORDER

In this *pro se* case filed on 7 July 2005, the plaintiffs ["the Kinseys"] sued four defendants: C. Lance Gould, Citifinancial ["Citifinancial"] Associates, J. King ["King"], and TranSouth. The court dismissed C. Lance Gould as a defendant on 1 December 2005 (Doc. # 17). The summons and complaint were issued to Citifinancial and TranSouth on 27 June 2006 (Doc. # 23) and to King on 11 July 2006 (Doc. # 25).

On 29 June 2006, the Clerk received proof of service upon Citifinancial and TranSouth (Doc. # 24); their answers to the complaint were due on 18 July 2006. The summons and complaint issued to King were returned unexecuted with the following notation: "Return to Sender-Undeliverable as Addressed No Forwarding Order on File".

This case has already been pending for over one year, and the processing of the plaintiff's claims should now be expedited. Accordingly, it is

ORDERED that on or before 4 August 2006, Citifinancial and TranSouth shall show cause in writing why a default judgment should not be entered against them for their failure

Exhibit
Two
to file an answer to the complaint within 20 days of service, as required by Rule 12(a) of the
FED. R. CIV. PRO.¹ The defendants are CAUTIONED that their failure to comply with this
order will lead to a default judgment. The court will make no further requests in an attempt
to secure their responses.

DONE this 20th day of July, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

¹The Summons served upon the defendants specifically advised them of the
deadline for filing their Answers and cautioned that if they failed to do so, "judgment by
default will be taken against you for the relief demanded in the complaint".

exhibit
mwe

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JANIE L. KINSEY and C.H. KINSEY,)

Plaintiffs,)

v.)

C. LANCE GOULD, *et al.*,)

Defendants.)

CASE NO. 2:05-CV-636-WKW
WO

ORDER

On July 20, 2006, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation (Doc. # 27) be and is hereby ADOPTED;
2. That the claims against the defendant, J. KING, are hereby DISMISSED *without* prejudice; and
3. That this case is REFERRED back to the Magistrate Judge for further proceedings.

Done this the 22nd day of August, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

Exhibit
Four

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JANIE L. KINSEY and C.H. KINSEY,)

Plaintiffs,)

v.)

C. LANCE GOULD, et al.,)

Defendants.)

CIVIL ACTION NO. 1:05CV636-MEF
[WO]

ORDER ON MOTION

For good cause, it is

ORDERED that the defendant's Motion to Quash the summons and complaint,
filed on 7 August 2006 (Doc. # 28), be DENIED.

DONE this 10th day of October, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE